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Forty-fifth session

REPORT OF THE SUB-COMMITTEE OF THE WHOLE ON INTERNATIONAL PROTECTION

I. INTRODUCTION

1. The Sub-Committee of the Whole on International Protection (Sub-Committee) met on 28 September 1994 under the chairmanship of His Excellency Ambassador J.F. Boddens-Hosang (Netherlands).

2. The Sub-Committee adopted the following agenda (EC/SCP/86):

(i) Adoption of the agenda

(ii) Report on the Inter-sessional meeting of the Sub-Committee of the Whole on International Protection

(ii) Note on International Protection

(iii) Twenty-fifth anniversary of the adoption of the Organization of African Unity (OAU) Convention

(iv) UNHCR's activities for refugee law promotion, dissemination and training

(v) Any other business

(vi) Adoption of the draft report of the Sub-Committee of the Whole on International Protection to the Executive Committee.

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3. In her opening remarks to the Sub-Committee, the High Commissioner referred to the need of refugees for international protection as the raison d'être of UNHCR. Ensuring their protection, including asylum, access to safety and life-saving assistance, and promoting solutions were the major tasks of her Office.

4. Among the challenges confronting the Office, the High Commissioner underlined the physical constraints and security and protection concerns which impeded UNHCR's ability to ensure the safety, welfare and even survival both of refugees and of returnees who freely chose to go home. She pointed out that providing international protection is a collaborative enterprise, which requires action by States, and expressed gratitude for the support of Governments to the Office's international protection function. She noted the increasing role played by non-governmental organizations (NGOs) in the field of protection.

5. The High Commissioner stated that the majority of today's refugees have fled from situations of conflict, generalized violence and civil strife. Many were either considered not to fall within the 1951 Convention definition, or were in countries not party to either the Convention or its 1967 Protocol. She believed that everyone agreed that refugees fleeing armed conflict and those fleeing persecution were in need of international protection. Various innovative approaches had been adopted by States in different regions to meet this need. Referring to the OAU Convention, the Cartagena Declaration and the recent Addis Ababa Symposium on Refugees and Forced Population Movements, she invited delegations to look ahead and reflect on how protection can effectively be provided to ever larger numbers of refugees.

6. Addressing the issue of internally displaced persons, the High Commissioner stated that UNHCR was not seeking a broader mandate for persons within their country, but that the clear protection needs of internally displaced persons could not be ignored without repercussions for refugees. The problems of coerced displacement and threatened displacement needed to be addressed comprehensively on both sides of the border. She welcomed the endorsement by the General Assembly of UNHCR's efforts to pursue strategies on prevention and solution under certain conditions.

7. The High Commissioner concluded her address by informing delegations that Mr. Franco, the Director of the Division of International Protection, would, as of 15 October 1994, be taking up new responsibilities as Head of the Human Rights Verification Mission in Guatemala. Expressing regret at Mr. Franco's departure, she praised his role in leading the Division at a crucial stage and in promoting a new meaning of protection in the context of prevention and solutions.

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II. ADOPTION OF REPORT OF THE 18-19 MAY MEETING OF THE SUB-COMMITTEE OF THE WHOLE ON INTERNATIONAL PROTECTION

8. The Report of the 18-19 May 1994 Meeting of the Sub-Committee of the Whole on International Protection (EC/1994/SCP/CRP.6) was adopted without further discussion. The Chairman indicated that a draft Conclusion on Internally Displaced Persons, reflecting the comments submitted by several delegations on an earlier draft, would also be considered under this item and invited comments on the draft conclusion. In view of comments by several delegations, a working group was established to revise the draft for resubmission to the Sub-Committee later in the same day (see para. 69).

III. NOTE ON INTERNATIONAL PROTECTION

9. Introducing the Note on International Protection (A/AC.96/830), the Chairman remarked that it examined the gaps in the international protection regime and proposed a number of ways to bridge them in order to ensure that all those deserving international protection actually receive it. He suggested that the debate be structured around four main themes, namely

(i) protection of persons in flight from conflict;
(ii) temporary protection;
(iii) voluntary repatriation; and
(iv) protection in situations of conflict and instability in countries of origin.

A. Introduction by the Director of International Protection

10. Presenting the Note, the Director of International Protection recalled that the overall objective of international protection was to meet the whole range of needs resulting from the lack of national protection, from the need for personal security and subsistence, through legal status and respect for fundamental human rights, to durable solutions. Current international practice reflected a broad consensus on protection needs. The concept, content, and tools of international protection needed to be examined from the perspective of response to the need.

11. Noting the universal character of the 1951 Convention and 1967 Protocol, to which 127 States were now party, Mr. Franco remarked that their flexibility in spirit and letter made it possible to accommodate the majority of refugee situations. Disparities had arisen, however, between the need for international protection and the legal framework, owing both to inherent limitations in the basic instruments, as well as to their interpretation by States.

12. Mr. Franco noted that a large proportion of refugees were fleeing armed conflict. While many refugees from war were covered by the 1951 Convention, as they were also fleeing persecution, some were escaping mainly from crossfire and devastation. The absence of a normative legal framework could

result in inconsistency and uncertainty in the protection extended to such persons, as well as, in some cases, in a failure to protect. Observing the success of certain pragmatic approaches in bridging this gap, he called for a consideration of the ways in which international protection could be improved, noting the options for this as reviewed in the Note on International Protection, including the possibility of working towards a declaration of guiding principles, towards greater regional harmonization, and towards concerted approaches in specific situations.

13. The Director addressed the issue of temporary protection, and summarized UNHCR's views on its role in future strategies of prevention, protection and solutions. Temporary protection had proved to be an effective measure in situations of mass influx, defining beneficiaries on the basis of their need for international protection, and focusing on return as the most appropriate solution. He proposed that UNHCR, together with the international community, continue to examine how temporary protection should be developed.

14. The Director went on to address the need for remedies in countries of origin. To prevent refugee flows and facilitate voluntary repatriation, people needed to be protected by their own Governments in their own countries. UNHCR has increasingly been involved in providing support for protection to returning refugees and, under certain conditions, the internally displaced and other vulnerable persons, often in situations where it was neither possible nor desirable to limit activities to a particular category of persons in the same community.

15. The Director made reference to UNHCR's activities in situations of armed conflict and extreme instability, and noted that a comprehensive approach incorporating peacemaking and peace-keeping, development and institution-building is called for in order that truly durable solutions may be achieved. The efforts of the international community in the careful development of such an approach is required.

16. The Director concluded by underlining the need described in the Note to reinforce the current framework of protection in the form of an Executive Committee conclusion, with States reaffirming their commitment to ensure the protection of those threatened by armed conflict, widespread violence, or grave abuses of human rights. He welcomed the guidance of the Executive Committee in the task of bringing protection to those who need it.

B. Protection of persons in flight from conflict

17. In the ensuing debate, the Note on International Protection was welcomed as presenting an informative overview of the central issues, as well as for its thoughtful analysis of the challenges confronting UNHCR in ensuring international protection for refugees. Several delegations expressed their appreciation for the pragmatic, constructive and thought-provoking approach. Many speakers underlined the complexity of current international protection issues, to which the Note responded.

18. There was broad agreement and support among delegations on the continuing relevance of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol as the cornerstone for international protection. Indeed, some delegations remarked on the need to address the "gap" of non-accession to these instruments, as well as the importance of utilizing the Convention's flexibility in order to include within its coverage as far as possible the main categories of those in need of international protection. Many speakers addressed the protection needs of refugees from armed conflict, and one delegation commented that, as protection needs evolve, so should responses. Many delegations observed that the protection afforded to, and treatment of, refugees is generally satisfactory. One observer commented that actual state practice in providing asylum and protection mattered more than accession to instruments.

19. There was general recognition of the importance of ensuring protection for all who need it, and of the fact that the High Commissioner had been called upon by the international community to provide protection and assistance to persons fleeing war, generalized violence and civil strife, as well as those with a well-founded fear of persecution. Most speakers considered, however, that the time was not ripe to seek a binding international instrument reflecting obligations towards refugees beyond those contained in the 1951 Convention and 1967 Protocol. Many delegations indicated their readiness, however, to participate in discussions that could lead to the formulation of guiding principles. Several delegations stressed that any guiding principles should not be of a binding character, but would be intended to promote, on a regional or global basis, more concerted international efforts to provide international protection. Two speakers stated specifically that a declaration of guiding principles along the lines of the Cartagena Declaration was an option that deserved to be pursued, and expressed their willingness to participate in such an exercise.

20. Many delegations, while noting the absence of a formal international legal framework, stressed that in practice various measures were employed to provide protection to those persons fleeing armed conflict who did not otherwise qualify for protection under the 1951 Convention or under any applicable regional instrument. They praised the generous responses by States in such cases. Several speakers considered that regional harmonization offered the most promising avenue for enhancing international protection. Examples of regional harmonization and concerted approaches in specific situations were given. In this connection, a number of delegations expressed the hope of strengthening further the existing close and constructive dialogue with UNHCR in the process of harmonization of policies in the European Union.

21. One delegation remarked that a number of international instruments contain important additional obligations in respect of the protection of persons fleeing situations of armed conflict. Reference was made to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

22. One delegation stressed the fact that the policy of forced assimilation of refugees could not be construed as a viable solution to the growing problem of refugee protection.

23. One representative referred in particular to the resolution on common guidelines for the admission of certain particularly affected groups (persons from the former Yugoslavia) adopted by Immigration Ministers of the European Union in Copenhagen in 1993 as an important step towards harmonizing policies viv-à-vis civil war refugees and achieving a reliable framework for the protection of victims of armed conflicts. Another speaker, however, found unsatisfactory the differences in protection and treatment which States provided under ad hoc arrangements. Even where the form of protection differed, and was oriented towards return rather than integration, there must not be a weakening of standards.

24. Another delegation suggested that a focus on groups or situations, not individuals, together with the provision of emergency relief, guarantees of personal security, and return to country of origin as soon as conditions permit, with UNHCR monitoring concerted efforts in such an exercise, could prove a viable approach in providing protection and assistance to persons fleeing armed conflict.

25. Voicing its support for a combined approach, one delegation remarked that the successful international response within the framework of the Comprehensive Plan of Action for Indo-Chinese Refugees (CPA) had been effective in addressing protection problems in situations of mass exodus. Another delegation favoured developing procedures and mechanisms for more systematic concerted action to meet urgent international protection needs, and welcomed further discussion on comprehensive approaches. Reflecting the comments of other speakers, one delegation said that UNHCR's efforts required equally strong political action by the international community to address root causes. A crucial component of such an overall strategy, the speaker noted, is the recognition by States of their responsibility to protect their nationals.

26. In highlighting flexible and practical approaches to bridge the gaps in the provision of legal protection, many delegations referred to their domestic legislation. One delegation noted that their new legislation had introduced the concept of a provisional residence permit which effectively extended protection to those outside the scope of the 1951 Convention and who have submitted a request for entry, whose enforced removal to the country of origin would be particularly hard on the alien in connection with the general situation in that country. Another speaker remarked that the existing legislation in his country required no changes as its flexible mechanisms for which it provides permit the extension of protection, where necessary, to persons falling outside the scope of the 1951 Convention.

C. Temporary Protection

27. Most delegations recognized the value of temporary protection as a practical protection tool in situations of mass exodus, and many delegations agreed that it should be further developed. Several delegations noted that many questions remained to be answered in the implementation of temporary protection arrangements particularly with respect to the standard of the treatment, as well as its duration and eventual safe return to the country of origin.

28. Several delegations referred to temporary protection as a pragmatic and flexible tool, oriented towards return, which could be an important component of a comprehensive approach to refugee problems. Some delegations emphasized the importance of burden-sharing with regard to the application to temporary protection. One delegation commented that burden-sharing involves more than an assessment of refugee numbers. One speaker described it as shorthand for a range of responses, most effective in mass outflows and in addressing movements of refugees towards neighbouring countries. Most saw such concerted international action, coordinated by UNHCR, as an effective way of dealing with mass influx situations.

29. A number of delegations cautioned against the use of temporary protection as a substitute for the granting of asylum to refugees under the 1951 Convention. One delegation stated that temporary protection should be perceived as a complement to, rather than a substitute for the more comprehensive protection afforded to refugees under the 1951 Convention.

30. A number of delegations, while expressing support for the concept of temporary protection, stated that initiatives aimed at new international or regional instruments or guidelines should not lead to a weakening of existing instruments. The risk of lowering protection standards was a concern raised by several speakers. One speaker suggested that UNHCR oversee the implementation of temporary protection under overall United Nations auspices.

31. One delegation stressed that support for the further elaboration of the notion of temporary protection went hand in hand with the need to continue guarding the principles of the 1951 Convention and the 1967 Protocol. Another delegation recognized that the usefulness of the concept lies in the flexibility it affords, and felt that the formulation of guidelines would be inconsistent with a pragmatic and flexible approach. Excessive institutionalization would undermine it. Another delegation voiced its support for the concept of temporary protection as an effective response to mass outflows and stated that success in its implementation lay not in a rigid adherence to a pre-established model, but rather in the flexible application of the concept.

32. The increasing use of temporary protection, one delegation noted, strengthens the need for a close and continuous dialogue between Governments and UNHCR. Many delegations expressed willingness to participate in

discussions on the development of guiding principles governing temporary protection.

33. One delegation suggested that temporary protection could be renamed "return-focused protection", as the present terminology might imply less protection, rather than protection geared towards facilitating the return in safety and dignity of uprooted groups. "Return-focused protection" should not mean less protection or a lower standard of treatment, but the implementation of the basic principles of protection through approaches appropriate to the uniqueness of each situation.

34. Another delegation expressed the view that the content of temporary protection had to be defined by examining of the likelihood and appropriate time of return to the country of origin.

35. Several delegations discussed the duration and return-related aspects of temporary protection. One delegation suggested that it should not exceed a period of three years. Another expressed the belief that providing the same possibilities for leading an ordinary life and achieving self-reliance for beneficiaries of temporary protection as other persons receiving protection would provide the best basis for return to, and participation in, the rehabilitation of the country of origin. One delegation expressed concern at some of the assumptions underlying the Note and at the possible widening of the High Commissioner's mandate.

36. A fourth delegation sought clarification on the extent to which UNHCR would assist in compulsory as well as voluntary return of persons benefiting from temporary protection when the need for international protection had ceased.

37. Many delegations expressed the view that temporary protection should not be perceived in isolation but as one component of a comprehensive approach to the solution of refugee problems. As such, it should be incorporated in a broader response by the international community to the solution of humanitarian crises. In this connection, one speaker referred to the value of early warning information as well as the need to distinguish clearly between persons requiring international protection, and migrants.

38. Two delegations expressed their appreciation for UNHCR's resettlement efforts and, reaffirming the importance of resettlement as a tool of protection, expressed their countries' willingness to continue to work closely with UNHCR on its resettlement programmes. One delegation acknowledged that resettlement was appropriate in certain cases, but cautioned against a "pull factor".

39. The same delegation sought clarification on the respective roles temporary protection and resettlement might play in a concerted international

response to a complex outflow and looked forward to receiving UNHCR's review of resettlement and advice on how resettlement may be integrated into comprehensive approaches.

40. Two delegations spoke of the problem of statelessness, and called on UNHCR to strengthen its efforts in this domain, including promoting two Conventions relating to the Reduction of Statelessness and relating to the Status of Stateless Persons. The delegations further called for training for UNHCR staff and national authorities, and a systematic gathering of information on the dimension of the problem. One of these delegations suggested that UNHCR submit an annual report outlining efforts and actions on behalf of stateless persons, and also that the Sub-Committee on Administrative and Financial Matters consider the programmatic and financial implications of an increased involvement.

D. Voluntary repatriation

41. On the subject of voluntary repatriation, there was consensus that States should cooperate fully with the High Commissioner in her efforts to fulfil this aspect of her mandate. One delegation emphasized the High Commissioner's legitimate concern about the consequences of any return to which UNHCR has assisted. Many delegations emphasized that voluntary repatriation constitutes the most appropriate durable solution to refugee problems, while recognizing existing obstacles.

42. Given the fact that many countries of origin continue to suffer from the effects of war and instability, there was broad agreement that, to be viable, repatriation must be viewed as one component of a multi-sectoral approach requiring comprehensive and wide-ranging action on the part of the international community. There was a need to promote broader international efforts to address these situations.

43. In referring to the need for a multi-sectoral approach, many delegations emphasized the necessity for the collaborative efforts of the various components of the international community, as well as the States directly concerned. Other delegations stressed the importance of increased cooperation in political, military, and humanitarian initiatives within the United Nations framework. Some delegations pointed out that regional political initiatives geared towards regional security and rehabilitation programmes were of equal importance. Many delegations highlighted the particular need for activities involving human rights mechanisms, focusing on the need for access to monitor security and human rights conditions affecting returning refugees.

44. There was consensus on the link between development and rehabilitation in creating conditions conducive to return. Many delegations stressed the importance of support for development and reconstruction efforts in conjunction with international development agencies. A number of delegations expressed appreciation for UNHCR's role in voluntary repatriation, which is a complex and delicate one, and some speakers drew attention to the need to

disseminate accurate information to refugees to enable them to take decisions on repatriations. One speaker noted the desirability of close cooperation between the country of origin and host countries, and UNHCR.

45. Several delegations welcomed UNHCR initiatives within the Humanitarian Issues Working Group of the International Conference on the Former Yugoslavia as providing a framework for the harmonization of national repatriation programmes. One delegation referred to the importance in this context of efforts by UNHCR and Governments to disseminate authoritative and accurate information regarding conditions in countries of return as a crucial aspect of promoting return.

E. Protection in situations of conflict and instability

46. On the subject of protection in situations of armed conflict, one delegation noted that UNHCR's involvement in providing protection in countries of origin under such circumstances would have been unthinkable a few years ago.

47. There was general agreement that UNHCR's involvement must be part of a far wider strategy aimed at prevention, protection and solutions, involving other elements of the United Nations system, including peace keeping and peacemaking operations. One delegation highlighted the need to build bridges within the United Nations system in this area. Another delegation remarked that UNHCR's protection function should be part of broad international support for national protection of all individuals within a State's territory.

48. Some delegations were concerned that a balance be struck between the need to provide humanitarian assistance and the necessity not to over-extend the capacity and mandate of the High Commissioner. Several delegations referred to the importance of respecting national sovereignty when providing assistance and protection in countries of origin, and pointed to the responsibility of States for the welfare of those within their territory. Other delegations underlined the complexity of the relationship between humanitarian and peace-keeping operations, and voiced concern regarding the danger of compromising the impartiality of humanitarian missions in highly politicized environments. The need to consolidate lessons learned from international involvement in countries of origin was highlighted by one delegation, referring, among others, to the examples of the former Yugoslavia and Rwanda.

49. Many delegations referred to the importance of respect for international human rights law and international humanitarian law, and emphasized the importance of being able to gain access to populations in need. Many referred to the necessity of full cooperation between humanitarian partners and existing human rights mechanisms.

50. Many delegations focused on the need for international solidarity and concerted action in both the regional and international arenas, with one delegate expressing the view that the issue required discussion at the higher intergovernmental level.

F. Concluding remarks by the Director of International Protection

51. Responding to the debate, the Director expressed satisfaction that this year's deliberations on the difficult question of how UNHCR could provide protection to all those in need had been extremely constructive. He noted that there was a consensus that the existing international refugee instruments remain the cornerstone of international protection, but also agreed with an observation, made in the course of the discussion, that a lacuna currently exists between the international legal framework and actual protection needs. He had noted the different views of delegations regarding the adequacy of practical and regional arrangements and other international human rights instruments to bridge gaps in the provision of protection. He also referred to the heavy burden placed on countries of asylum which had resulted in "host country fatigue", and noted the importance of the principle of non-refoulement and international burden sharing.

52. While it was agreed that the time for a new Convention was not ripe, he welcomed the interest of many delegations in the possible elaboration of a declaration of guiding principles based on past and current experience and practice, and the desire by States to see UNHCR act as catalyst in this connection. He took note of the views of many delegations that any such guidelines should not be binding in character.

53. On the issue of temporary protection, the Director was encouraged by the references of many delegations to the value of including temporary protection in the framework of comprehensive approaches in order to ensure protection in situations of mass influx. He highlighted three features of temporary protection which had emerged from the debate: it constituted a flexible and pragmatic approach, was to be applied as part of a comprehensive approach of concerted action, and was oriented towards the solution of return. He noted the indication from some delegations that States would benefit from the promulgation of guidelines by UNHCR in order to enhance this strategy.

54. In relation to voluntary repatriation, the Director observed that this aspect of the High Commissioner's mandate constituted one of the major challenges confronting the Office, and welcomed the support expressed by many States for UNHCR activities in this area. He noted the observation of some delegations that return constitutes the most appropriate solution to refugee problems, and observed the specific reference of several delegations to the problems in Africa. He noted the emphasis on repatriation as one component of a multi-sectoral approach involving initiatives at the political, military and humanitarian levels within United Nations and regional frameworks, as well as the reference by many speakers to the importance of the link with development and human rights strategies.

55. In response to the request for clarification from one delegation on the extent to which UNHCR is ready to assist in compulsory repatriation when the need for protection has clearly ceased, the Director noted that UNHCR regards voluntary repatriation as the most desirable solution, and that UNHCR stands ready to advise Governments when it considers that the need for international protection has clearly ceased. This advice could include, in appropriate circumstances, the application of the cessation clauses of the 1951 Convention.

56. In relation to UNHCR's protection activities in situations of armed conflict, the Director recalled one delegation's observation that these would have been unthinkable several years ago and reiterated that this is a new area of activity based on the expertise of the office. The Director noted that a balance must be struck between the importance of such activities in terms of a strategy aimed at prevention, protection and solutions, and the need for caution in overstretching the Office's capabilities. He pointed to the complex relationship between humanitarian and peace-keeping operations, and noted the concern expressed by some delegations on the importance of preserving the purely humanitarian nature of UNHCR's activities, and the difficulties of so doing in highly politicized environments.

57. In conclusion, the Director expressed his gratitude for the unanimous support for the High Commissioner's mandate and her activities on behalf of those in need of international protection.

IV. TWENTY-FIFTH ANNIVERSARY OF THE ADOPTION OF THE OAU CONVENTION

58. The Chairman introduced the conference room papers (EC/1994/SCP/CPR.7) and (EC/1994/SCP/CRP.7/Add.1) concerning Activities Undertaken to Commemorate the 25th Anniversary of the Adoption of the 1969 OAU Convention and the Twentieth Year since its Entry into Force.

59. The Senior Regional Legal Adviser for Africa, in introducing the item, noted that the Commemorative Symposium on Refugees and Problems of Forced Population Displacements in Africa which had been held in Addis Ababa from 5-7 September 1994 had adopted by consensus the document incorporating the 34 recommendations reproduced in the conference room paper, and had specifically requested that it be presented to the Executive Committee.

60. The Senior Regional Legal Adviser highlighted the challenges and concerns which were considered as particularly important by the Symposium. The recommendations call for a Comprehensive Plan of Action effectively to address root causes of displacements in Africa, and specific measures in support of OAU activities in favour of conflict prevention and resolution. While calling for a more effective implementation of the OAU Convention in Africa, they reiterate its usefulness as a point of reference for legal developments in other regions.

61. He noted that the recommendations contain a strong appeal for support by the international community to enable African asylum countries to fulfil their obligations to provide asylum through material assistance, international burden sharing and effective regional approaches. The recommendations also emphasize the needs of the internally displaced, and encourage state cooperation to allow international access to them. In relation to solutions, the recommendations focus on questions concerning voluntary repatriation, and encourage African countries to provide resettlement where this is the only solution. The Senior Regional Legal Adviser further noted the appeal to international organizations to implement activities in such a way as to cater to the needs of other populations which may not fall strictly within their mandates.

62. Noting the High Commissioner's satisfaction with the recommendations as an important contribution to the framework for tackling the challenges of refugee problems, the Senior Regional Legal Adviser expressed the hope of the Office that the Sub-Committee of the Whole on International Protection and the Executive Committee would support them as an authoritative tool to support the actions of the Office in Africa and other regions of the world.

63. One delegation wished that the recommendations of the Symposium be reflected in the activities of UNHCR relating to the African continent and hoped that the Executive Committee would give its support to the results of this Symposium. Several delegations took the floor to acknowledge the valuable nature of many of the recommendations. They expressed the hope that an Executive Committee conclusion on the matter would be adopted. The Chairman noted that consultations were being undertaken on a draft conclusion on the recommendations, which will be studied by the Friends of the Rapporteur.

V. UNHCR'S ACTIVITIES FOR REFUGEE LAW PROMOTION, DISSEMINATION AND TRAINING

64. The Information Note on UNHCR's Activities for Refugee Law Promotion, Dissemination and Training (EC/SCP/88) was introduced by the Chief of UNHCR's Promotion of Refugee Law Section. He recalled that refugee law promotion, dissemination and training is a sine qua non to effective implementation of other protection activities. He remarked that, given the growing complexity of the refugee phenomenon and the refugee problem, there is a greater need to revitalize the promotion and dissemination of, and education in, principles guiding UNHCR's action. In carrying out this task, he noted that UNHCR can rely on its extensive field presence, but such coverage may prove insufficient as increasing demands are placed on its human resources. Such a situation, he remarked, requires the mobilization of like-minded partners at various levels (governmental, inter-governmental, and non-governmental), and adequate resources for its implementation.

65. Presenting an overview of UNHCR's activities in the field of promotion, the Chief of Section identified two main aspects: networking and training. The aim of this strategy, he said, is to trigger a multiplier effect on UNHCR's activities. He informed delegations of the decentralization of programming and management of training programme and the need for an institution-building approach involving Governments and NGOs, and referred to twinning programmes and internships as a means of expanding UNHCR cooperation with Governments.

66. With respect to refugee law teaching and research, the Chief of Section informed delegates that efforts are underway to develop university networks, with emphasis placed on Africa and Asia.

67. On the issue of human rights liaison, he noted that substantive progress had been made in placing refugee issues on the agenda of human rights bodies, while at the same time training UNHCR staff in using human rights instruments and mechanisms in their protection work.

68. Finally, he identified the area of dissemination through electronic means as one in which UNHCR has taken a lead position in recent years, with the development of a wide range of legal databases.

69. In responding to the Information Note, one delegation underlined the need to promote refugee law, and training. It was noted that systematic "train the trainers" programmes aimed at immigration and police departments were needed in lieu of the present ad hoc arrangements. Another delegation stressed the importance of UNHCR intensifying its protection training in areas where it has the largest emergency programmes, and cited the September 1994 OAU/UNHCR Addis Ababa Symposium on Refugee and Forced Population Movements in Africa as a milestone in the promotion of refugee law.

VI. ANY OTHER BUSINESS

70. The draft conclusion on Internally Displaced Persons as revised by the Working Group was resubmitted to the Sub-Committee, which approved and adopted it as an annex to its report to the Executive Committee. The Draft Conclusion is contained in Annex 1 of this report.

INTERNALLY DISPLACED PERSONS

The Executive Committee

(a) Recognizes that the involuntary displacement of persons within their own countries is a problem of global dimensions, and that the plight of such internally displaced persons, whose numbers may exceed those of refugees, is a matter of grave humanitarian concern;

(b) Notes that the many and varied underlying causes of involuntary internal displacement and of refugee movements are often similar, and that the problems of both refugees and the internally displaced often call for similar measures with respect to prevention, protection, humanitarian assistance, and solutions;

(c) Reiterates the need for the international community to seek ways and means to avert involuntary displacements;

(d) Emphasizes that since internally displaced persons remain within the territorial jurisdiction of their own countries, the primary responsibility for their welfare and protection lies with the State concerned;

(e) Urges the Governments of States where there are internally displaced persons to fulfil their responsibility for their welfare and protection;

(f) Calls upon the international community, in appropriate circumstances, to provide timely and speedy humanitarian assistance and support to countries affected by internal displacement to help them fulfil their responsibility towards the displaced;

(g) Notes that, in many instances, the internally displaced are present alongside refugees, returnees, or a vulnerable local population, in situations where it is neither reasonable nor feasible to treat the categories differently in responding to their needs for assistance and protection;

(h) Recognizes that actions by the international community, in consultation and coordination with the concerned State, on behalf of the internally displaced may contribute to the easing of tensions and the resolution of problems resulting in displacement, and constitute important components of a comprehensive approach to the prevention and solution of refugee problems;

(i) Calls on the Governments concerned to ensure safe and timely humanitarian access to persons in need of protection and assistance, including the internally displaced and victims of armed conflict, as well as refugees within their territories;

(j) Recognizes that Resolution No.48/116, adopted by the United Nations General Assembly on 20 December 1993, which reaffirmed support for the High Commissioner's efforts, "on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the concerned State, and taking into account the complementarities of mandates and expertise of other relevant organizations, in providing humanitarian assistance and protection to persons displaced within their own country in situations calling for the Office's particular expertise, especially where such efforts could contribute to the prevention or solution of refugee problems", continues to provide an appropriate framework for the involvement of the High Commissioner in situations of internal displacement;

(k) Encourages the High Commissioner to continue the efforts of her Office to put into action its internal criteria and guidelines for UNHCR involvement in situations of internal displacement, as an important contribution towards a more concerted response by the international community to the needs of the internally displaced;

(l) Emphasizes that activities on behalf of internally displaced persons must not undermine the institution of asylum, including the right to seek and enjoy in other countries asylum from persecution;

(m) Recognizes that international human rights law, international humanitarian law, and, in many cases, national laws include norms providing for the security and protection of the internally displaced as well as those at risk of displacement, and expressed serious concern at the failure of parties involved to respect these norms;

(n) Acknowledges the importance of the work of the Representative of the Secretary-General for Internally Displaced Persons and, in particular, his efforts to compile existing international standards in respect of the treatment of the internally displaced, and to develop a code of conduct comprising guiding principles in this regard;

(o) Calls on UNHCR to continue its close cooperation with the Representative of the Secretary-General in the fulfillment of his mandate;

(p) Further acknowledges the essential role of the International Committee of the Red Cross in disseminating international humanitarian law and in providing protection and humanitarian assistance to those displaced by armed conflict;

(q) Calls for the strengthening of efforts in the training and dissemination of international human rights law and international humanitarian law and for the joint promotion, by organizations and agencies concerned, of the implementation of these international standards;

(r) Considers that, in addressing the problem of internal displacement, the international community should seek to collaborate to the maximum possible extent with existing humanitarian organizations, including non-governmental organizations, with relevant expertise;

(s) Encourages UNHCR to continue its efforts, under the leadership of the Emergency Relief Coordinator, and in cooperation with other agencies concerned, to reinforce and structure coordination through existing interagency mechanisms, notably the Interagency Standing Committee, in order to improve the response by the international community to the plight of the internally displaced, and stresses the importance in this connection of strengthening mechanisms for the sharing of information;

(t) Urges that discussions on interagency aspects of internal displacement be pursued actively in other appropriate fora so as to ensure a comprehensive and coherent approach by the international community to the problem of internally displaced persons.